APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,695	03/30/1999	JURGEN BRIESKORN	GR99P1337	7537

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	17

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/281,695	BRIESKORN ET AL.
	Examiner	Art Unit
	Hai V. Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   This Office Action is in response to the communication received on 29

September 2003.

2.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b)

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Robinson et al patent no. **5,533,102.**

5.   As to claim 1, Robinson teaches the invention as claimed, including a

communications system, comprising:

a first communications terminal *(Fig. 4, the called party using phone 12)* to be

connected, via a first network *(Fig. 4, PSTN)*, to a second communications terminal *(Fig.*

4, the caller using phone 54) (Fig. 4, computer 14 or phone 12 to be connected via

PSTN and PSX, to phone 54);

a remote computer *(Fig. 2, the Auto-Attendant system 200 or Figs. 1, 4, the call*

processor server 38);

said first communications terminal *(the called party with phone 12)* having a

central controller *(the called party API which is the PC 212 in Fig. 2 or the programmed*

PC 14 in Fig. 1 or 4) transmitting status data relating to functional features of said first

communications terminal to said remote computer via a second network *((the called*

party API allows the called party to send commands to the auto-attendant system 200

or the call processor system 38 to affect the flow of caller conversation, such as a

change state command (col. 6, lines 25-34) (the state register object 214 stores the

state change request and delivers it to the state controller 206 (col. 7, lines 1-6) via bi-

directional link 46), said remote computer is programmed <u>to automatically evaluate the</u>

<u>status data and to generate an instruction sequence from the status data and to</u>

<u>transmit the instruction sequence to said first communications terminal via the second</u>

<u>network</u> *(the link 72 forms an alternative bi-directional second communication channel*

between the PBX and the programmed personal computer 14 through the user's

telephone 12, col. 8, lines 10 – 21) (Robinson, the state controller 206 notifies the state

registry object 214 of the new call received and each state transition for each call; the

state controller also queries the state registry object 214 to see if the called party has

requested a state change; Robinson, Fig. 4, item 40; col. 6, lines 55-60; Robinson also

teaches that <u>the personal computer 40 is programmed to cause the call processor</u>

<u>system 38 to function as an auto-attendant and a voice mail system, col. 4, line 62 – col.</u>

<u>5, line 5; col. 8, lines 10-29) (Robinson, all of the functions in the API return a success</u>

<u>code to indicate that the function succeeded or a failure code to indicate the function</u>

<u>failed and the reason for the failure. Each of these codes has a defined meaning for</u>

<u>each function. For example, the change state command returns zero (0) to indicate the</u>

<u>command was accepted by the auto-attendant system 200, one (1) to indicate that the</u>

<u>command was rejected by the auto-attendant system 200 because the call has</u>

terminated (the caller hang up), or other values to indicate other reasons for the

command being rejected by the auto-attendant system 200, or other reasons for failure

of the function, such as the LAN communication being lost, col. 6, lines 35-47); and

said central controller employing the instruction sequence as a programs section

and providing the functional features to said first communications terminal upon

processing the program section _(when the state registry object 214 receives notification_

of a call state change, it checks whether the called party has established a session to

receive call notification; if so, it invokes the callback function to notify the called party of

the call state change, using separate "client service thread" (col. 6, lines 61-67; col. 8,

line 3 – col. 9, line12); Robinson, the information upon which the programmed personal

computer 14 operates in order to provide information concerning telephone calls to the

user's extension telephone 12 is passed to the programmed personal computer 14 from

the PBX 26, through the link 28, the extension telephone 12, and the bi-directional link

72. This information is used to produce displays such as the window shown in Fig. 3

(col. 8, lines 10-29; Fig. 5, col. 8, line 30 – col. 9, line 12)).

6.   As to claim 13, Robinson teaches said central controller for reading keyboard

codes of keys pressed from a keypad buffer _(Robinson, col. 1, lines 55-64)._

7.   As to claim 14, Robinson teaches, wherein the status data contain key codes of

keys pressed _(Robinson, col. 2, lines 5-15)._

8.   As to claim 15, Robinson teaches, wherein said controller is programmed to

generate from the status data instructions writing key codes into the keypad buffer

(Robinson, col. 1, lines 60-64).

9.   As to claim 16, Robinson teaches wherein said first communications terminal

includes a visual display unit *(Robinson, Fig. 3)*, and said remote computer is

programmed to generate from the status data instructions which output data on said

visual display unit *(Robinson, after the auto-attendant system 38 has handled the call*

from the caller, it will display appropriate information on the display 20 of the PC 14, for

user to read, col. 7, lines 25-29).

10.   As to claim 17, Robinson teaches, wherein said remote computer is programmed

to generate from the status data instructions for producing sound signals *(Robinson, col.*

6, lines 2-24, a recording made of the caller's voice; col. 7, lines 55-60).

11.   As to claim 18, Robinson teaches, wherein the status data contain a telephone

number of the second communications terminal calling said first communications

terminal *(Robinson, col. 6, lines 2-24; the caller's phone number).*

12.   As to claim 19, Robinson teaches, wherein the remote computer is programmed

to establish a connection to said first communications terminal *(Robinson, the PC 14*

and the call processor system 38 which includes the programmed personal computer 40

can communicate directly with each other using client-server or peer-to-peer protocol,

col. 4, line 42 – col. 5, line 5).

13.   As to claim 20, Robinson teaches, wherein a data item identifying said first

communications terminal is transmitted with the status data *(Robinson, commands from*

the called party application to the auto-attendant system include a pointer to a call

handle, a value indicating the state the called party wishes to move the call to, and a

pointer to a block of parameters with additional information about the state to be moved

to, col. 6, lines 25-34).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** in view of the well-known feature of using Internet

protocol.

16.   As to claims 2-4, Robinson teaches the invention substantially as discussed

above; however, Robinson does not explicitly teach the Internet protocol.

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of Robinson with the well-known

feature to use the Internet protocol because it would allow users to communicate each

other *(see patent no. **US2001/0043608 A1**, Fig. 2, node 38; patent no. **6,163,532**, Fig.*

1, item 14).

17.   Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** in view of the well-known feature of using H.323

protocol.

18.   As to claim 5, Robinson teaches the invention substantially as discussed above; however, Robinson does not explicitly teach the H.323 protocol.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Robinson with the well-known feature to use the H.323 protocol because it would allow the H.323 calls to be translated to CSTA protocol by using Bearer Control and Call Layers and passed on to the Business Application *(see patent no. **US2001/0043608 A1**, Fig. 4, par. [0034]; see patent no. **6,449,260 B1**, Fig. 1, items 52, 56, 58).*

19.   As to claim 6, Robinson teaches a first communications controller controlling a communication with the second communications terminal *(Robinson, Fig. 4, item 54; col. 8, lines 5-9).*

20.   As to claim 7, Robinson teaches, wherein said remote computer and said first communications terminal communicate in accordance with a CSTA protocol *(Robinson, col. 5, lines 6-14).*

21.   As to claim 8, Robinson teaches, which further comprises a second communications controller controlling a communication between said first communications terminal and said remote computer *(Robinson, optionally the called party sends the auto-attendant system commands to handle the call(s), and to "logout" or "terminating a session"; col. 1-6).*

22.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Robinson** et al patent no. **5,533,102** in view of the well-known feature of using the Internet connection.

23.   As to claim 9, Robinson teaches the invention substantially as discussed above;

however, Robinson does not explicitly teach the Internet connection.

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of Robinson with the well-known

feature to use the Internet connection because it would allow users to communicate

each other *(see patent no. **US2001/0043608 A1**, Fig. 2, node 38; see patent no.*

***6,449,260 B1**, Abstract)).*

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

25.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** as applied to claims 1-9 above, and further in view

of **Lam** patent no. **6,052,461.**

26.   As to claim 10, Robinson teaches the invention substantially as discussed above;

however, Robinson does not explicitly teach a converter to converse the data to CSTA

data.

Lam teaches the interface adapter to convert the data to CSTA formatted data

(Lam, col. 2, lines 25-31).

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of Robinson and Lam to provide data

converter because it would allow the computer to use the suitable protocol for

communication with others *(Lam, col. 2, lines 25-31)*.

27.   As to claim 11, Robinson-Lam teaches, wherein the instruction sequence

generated by the remote computer contains instructions defined by the CSTA protocol

(Robinson, col. 5, lines 6-14).

28.   As to claim 12, Robinson-Lam teaches, which further comprises a converter

connected between the remote computer and said central controller, said converter

converting CSTA instructions transmitted from the remote computer into control

instructions for said central controller *(Lam, Interface Adapter 130; col. 2, lines 2-31)*.

29.   Applicant's arguments filed 29 September 2003 have been fully considered but

they are not persuasive.

30.   In the remark, Applicant argued in substance that:

        (A)   Prior art does not teach "said first communications terminal having a

central controller transmitting status data relating to functional features of said first

communications terminal to said remote computer via a second network, said remote

computer being programmed to automatically evaluate the status data and to generate

an instruction sequence from the status data and to transmit the instruction sequence to

said first communications terminal via the second network; and

said central controller employing the instruction sequence as a program section and

providing the functional features to said first communications terminal upon processing

the program section" in independent claim 1 of the instant application.

As to point (A), Robinson discloses that said first communications terminal

(the called party with phone 12) having a central controller *(the called party API which is*

the PC 212 in Fig. 2 or the programmed PC 14 in Fig. 1 or 4) transmitting status data

relating to functional features of said first communications terminal to said remote

computer via a second network *((the called party API allows the called party to send*

commands to the auto-attendant system 200 or the call processor system 38 to affect

the flow of caller conversation, such as a change state command (col. 6, lines 25-34)

(the state register object 214 stores the state change request and delivers it to the state

controller 206 (col. 7, lines 1-6) via bi-directional link 46), said remote computer is

programmed to automatically evaluate the status data and to generate an instruction

sequence from the status data and to transmit the instruction sequence to said first

communications terminal via the second network *(the link 72 forms an alternative bi-*

directional second communication channel between the PBX and the programmed

personal computer 14 through the user's telephone 12, col. 8, lines 10 – 21) (Robinson,

the state controller 206 notifies the state registry object 214 of the new call received and

each state transition for each call; the state controller also queries the state registry

object 214 to see if the called party has requested a state change; Robinson, Fig. 4,

item 40; col. 6, lines 55-60; Robinson also teaches that the personal computer 40 is

programmed to cause the call processor system 38 to function as an auto-attendant and

a voice mail system, col. 4, line 62 – col. 5, line 5; col. 8, lines 10-29) (Robinson, all of

the functions in the API return a success code to indicate that the function succeeded or

a failure code to indicate the function failed and the reason for the failure. Each of these

codes has a defined meaning for each function. For example, the change state

command returns zero (0) to indicate the command was accepted by the auto-attendant

system 200, one (1) to indicate that the command was rejected by the auto-attendant

system 200 because the call has terminated (the caller hang up), or other values to

indicate other reasons for the command being rejected by the auto-attendant system

200, or other reasons for failure of the function, such as the LAN communication being

lost, col. 6, lines 35-47); and

said central controller employing the instruction sequence as a programs section and

providing the functional features to said first communications terminal upon processing

the program section _(when the state registry object 214 receives notification of a call_

state change, it checks whether the called party has established a session to receive

call notification; if so, it invokes the callback function to notify the called party of the call

state change, using separate "client service thread" (col. 6, lines 61-67; col. 8, line 3 –

col. 9, line12); Robinson, the information upon which the programmed personal

computer 14 operates in order to provide information concerning telephone calls to the

user's extension telephone 12 is passed to the programmed personal computer 14 from

the PBX 26, through the link 28, the extension telephone 12, and the bi-directional link

72. This information is used to produce displays such as the window shown in Fig. 3

(col. 8, lines 10-29; Fig. 5, col. 8, line 30 – col. 9, line 12)).

Conclusion

31.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

32.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3800/4700.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

or faxed to:

703-872-9306, (for **formal communications**; please mark

"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please

label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

KENNETH R. COULTER
PRIMARY EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142